

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

EMMANUEL OGEBE,

Plaintiff,

v.

**DOW JONES & COMPANY, DREW
HINSHAW, JOE PARKINSON, AND
GBENGA AKINGBULE,**

Defendants.

Civil No. 1:19-cv-00426-LO-IDD

MOTION FOR LEAVE TO FILE AUDIO/VISUAL EXHIBIT

Now comes Defendant Dow Jones & Co., d/b/a *The Wall Street Journal*, by and through its undersigned counsel, and move for leave to file a CD copy of an audio/visual exhibit.

This lawsuit arises out of a *Wall Street Journal* news report, “The American Ordeal of Boko Haram Schoolgirls” (the “Article”), which is referenced in the Complaint. Compl. ¶ 8. The Article describes a 911 call that was placed to the Fairfax County Department of Public Safety Communications on May 27, 2016. A recording of this 911 call is an audio/visual exhibit to be attached to the Declaration of Joe Parkinson as Exhibit E. Dkt. 19-5.

On a motion to dismiss, the Court may consider documents not attached to the complaint that are “integral to the complaint and there is no dispute about the document’s authenticity,” and such a document prevails over the complaint’s characterization of it where the two conflict.

Goines v. Valley Cmty. Servs. Bd., 822 F.3d 159, 165-66 (4th Cir. 2016).

To maintain a complete record, Defendant respectfully requests leave of the Court to file a CD containing a true and correct copy of the audio/visual file attached as Exhibit E to the Declaration of Joe Parkinson.

Plaintiff has advised counsel for WSJ that he does not consent to this motion.

Defendant hereby waives oral argument.

Dated: July 24, 2019

/s/ Matthew E. Kelley

Matthew E. Kelley, Va. Bar No. 84045

Michael D. Sullivan (admitted *pro hac vice*)

Ballard Spahr LLP

1909 K Street NW, 12th Floor

Washington, DC 20006

T: (202) 508-1112

F: (202) 661-2299

kelley@ballardspahr.com

sullivanm@ballardspahr.com

*Counsel for Defendant Dow Jones & Company,
Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 2019, I caused a copy of the foregoing to be filed electronically with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to all interested parties.

/s/ Matthew E. Kelley
Matthew E. Kelley